## LOCAL NEWS.

FROM FRIDAY'S DAILY, JUNE 25

**Five Counts.** — Yesterday James May, of Call's Fort, who had been held to await the action of the grand jury, was arrested on an indictment containing five counts alleging unlawful cohabitation. He was released on $3,000 bail.

**Early Corn.**—Mr. Henry Schutt, who came to Utah last summer from British Columbia, and is now residing in the 21st Ward of this city, says tha he has corn in his lot that is ready for the table, and furthermore, that he has had three or four dishes of it during the last two weeks.

**Destroyed by Fire.**—We learn by letter from J. A. Marchant, of Peoa, Summit Co., of the destruction by fire on Monday last, (June 28th,) of the saw, shingle and planing mills of B. A. Miles & Sons. The property was situated in Weber Cañon, about 12 miles from Peoa. The loss amounts to about $3,000. The origin of the fire was accidental.

**Houses Searched.**—A correspondent at West Jordan informs us that at that place on Tuesday morning, in addition to arresting Mr. John Irving, deputy marshals searched the houses of Bishop Archibald Gardner, James Turner, John Hill, Samuel Bateman, Wm. B. Bennett and James Higgins. The meeting house was also closely scrutinized, and outbuildings examined. No one who was wanted was found at any of the places named.

**Juvenile Visitors.**—The other day the West Jordan Sunday school children spent a few pleasant hours at Spring Lake Gardens (Calder's) and then paid a visit to the Penitentiary, Marshal Dyer permitting them to go upon the wall platform and look down into the yard. He also gave permission for Hyrum Goff and William Jenkins to converse with them for thirty minutes. The privilege was duly appreciated. The visitors were conveyed in between 40 and 50 vehicles.

**Ice Cream Poisoning.**—Yesterday, at Nephi, Juab County, considerable excitement was created by the accidental poisoning of quite a number of people from eating ice cream. The cream had been allowed to stand in metal vessels over night, and several persons partook of it yesterday morning. They were seized with violent pains and became paralyzed, some of them remaining in that condition four or five hours. Up to this afternoon there had been no fatal results, and it was thought all serious danger was past.

**Labors Reported.**—Elder W. C. Orrock, of Richfield, Sevier County, reports his labors on a mission in England, from which country he returned, after an absence of 26 months, with the company that lately arrived. After his arrival at Liverpool he visited relatives and the began his labors in the Leeds Conference, to which he had been appointed. He remained there till May 28th, 1885, when he, by appointment, began to labor in the Manchester Conference. He had the privilege of adding 31 persons to the Church by baptism, and greatly enjoyed his ministry throughout.

**A Hard Journey.** — This morning Sheriff Sullivan starts to Mount Idaho, Idaho, for the purpose of bringing back two horse thieves who were apprehended and are locked up there. The men are named Swift and James, and some time ago they stole eleven head of horses from the ranch of Gaylord & O'Donnell, in this county, and headed for Idaho. It is said that the thieves had a terrible trip, having been lost on the road and nearly starved. So great was their hunger that they first killed and ate a dog that accompanied them on their journey, and were then compelled to kill one of the horses to sustain life. When captured the two men were in a horrible condition, but they have since recovered.—*Butte Miner.*

**To The Marsh Family.**—The following, invitation explains itself:

The Marsh Family Association, including all persons by the name of Marsh, or who have descended from any by that name, and their families, are invited to attend the third family gathering and basket picnic at Lake Pleasant, Montague, Mass., July 20, 21 and 22, 1886.

Ample hotel accommodations on the grounds.

All who go by railroad should buy Lake Pleasant tickets with coupons for free return tickets, which will be good till September.

Please put in writing and bring or send, all you know or can learn of the genealogy of our family.

DWIGHT W. MARSH, Amherst, President.

J. JOHNSON, Greenfield, Secretary.

**Court Notes.**—The Third District Court to-day transacted the following business:

United States vs. O. J. Salisbury et al.; time extended to August 1st to answer.

United States vs. James Lowe et al.; same order.

J. J. Thomas et al. vs. Maggie Nickles; default and decree of foreclosure.

Martin Nelson, of Denmark, Chas. O. Olsen, of Sweden, Carl Willberg, of Norway, and Robert N. Hunter, of Scotland, were admitted to citizenship.

E. A. Ireland, receiver, vs. Wm. H. H. Bowers et al.; motion for judgment against garnishee argued and submitted.

Wm. Naylor et al. vs. Mountain Chief Mining Company et al.; order against A. R. Whitehead settled and discharged.

Thomas B. Shaw vs. Jane Shaw; motion of plaintiff to dissolve injunction allowed.

J. W. Farrell et al. vs. H. M. Williamson et al.; motion to retax costs overruled.

Daniel Clays vs. D. & R. G. Ry. Co.; motion of defendant for new trial argued. The Court overruled the motion with the provision that the amount of damages be reduced to $10,000. The jury awarded the boy Clays $16,000, and his counsel took the Court's proposition under advisement.

**Mortuary Report.** — Following is the City Sexton's report of deaths during the month of June, 1886:

| | |
|---|---|
| Accidental | 2 |
| Alcoholism | 1 |
| Cancer | 1 |
| Convulsions (infantile) | 3 |
| Croup | 1 |
| Consumption (phthisis pulmonalis) | 2 |
| Dropsy (general) | 1 |
| Diphtheria | 2 |
| Fever (scarlet) | 3 |
| Heart disease | 3 |
| Inflammation of bowels | 2 |
| Lung Disease (acute) | 2 |
| Lithotomy | 1 |
| Lock-jaw | 1 |
| Old Age | 3 |
| Paralysis | 2 |
| Rheumatism (chronic) | 1 |
| Tumor | 1 |
| Not reported | 2 |
| Total | 33 |

SEX OF DECEDENTS.

Males ..... 20 Females ..... 13

AGES.

| | |
|---|---|
| Under 1 year | 5 |
| 1 to 5 years | 5 |
| 5 to 10 years | 3 |
| 10 to 20 years | 3 |
| Over 20 years | 17 |

NATIVITIES.

Utah, 12; other parts of the United States, 6; England, 11; Ireland, 1; Scotland, 1; unknown, 2.

JOSEPH E. TAYLOR, City Sexton.

**New Trial Ordered.**—The Territorial Supreme Court to-day reversed the action of the First District Court in refusing a new trial in the case of the U. S. vs. Barnard White, Mr. White was convicted of unlawful cohabitation charged to have been committed during 1884, and was sentenced to suffer the full penalty of the law. He was released on $3,000 bail, pending the appeal. The opinion of the court is as follows:

*In the Supreme Court, Utah Territory.*

THE UNITED STATES, }
*vs.*
BANIARD WHITE. }

*Opinion of the Court.*

POWERS J.—The defendant and appellant was indicted by the grand jury of the First District on the 9th day of January, 1886, and charged with the crime of unlawful cohabitation during the year 1884, with Diana White and Jane Fyle White. He was arraigned on the indictment on the 6th day of March, 1886, and plead not guilty. The case coming on for trial Jane Fyfe White was called and offered as a witness for the government. The appellant objected to her being sworn as a witness against him, on the ground that she was his legal wife and therefore incompetent to testify against him. Thereupon the appellant introduced testimony in support of his objection.

It was developed by the testimony that Diana White was the first wife of the defendant and that the defendant contracted a plural marriage with the witness about ten years ago. Subsequently, and about the month of January 1886, Diana White died. The defendant continued to live with Jane until April 12, 1886, when a marriage ceremony was performed between them by P. F. Madsen, of Box Elder County. It transpired from the testimony that the sole object in having the marriage ceremony performed was to close the mouth of the witness and to prevent the government from obtaining her testimony.

The court was clearly in error in ruling that the witness should testify. The witness not having been the lawful wife of the defendant at the time of the alleged offense of cohabitation, there was no crime committed against her which might possibly, although we do not determine the point, make her a competent witness under our statute. Besides, it makes no difference at what time the relationship of husband and wife commences, the principle of exclusion applies to its full extent, whenever the interests of either are directly concerned. 1 Greenleaf Ev. § § 334, 336. When one married a witness already subpœnaed by his opponent to testify in the approaching trial she was excluded. Pedley v. Wellesey, 3 c. and p. 558. See State v. Armstrong, 4 Minn. 255.

It is argued that it is contrary to public policy to permit parties to defeat the ends of justice by entering into the marriage relation for the sole purpose, as in this case, of suppressing testimony. But when the marriage ceremony was performed no matter what the motive was the witness became beyond all question the lawful wife of the defendant, and, in this case, she could not testify against his objection.

The judgment of the court below is reversed and a new trial ordered.

ZANE, C. J., concurs.

BOREMAN, A. J., concurs.

—Beaver County farmers are suffering by the depredations of rabbits, who are destroying large quantities of grain.

## A BUDGET OF LAMENTABLE INCIDENTS.

SUICIDE — INJURED BY DYNAMITE — ACCIDENTALLY DROWNED.

OGDEN CITY, Utah, July 1st, 1886.

*Editor Deseret News:*

Among other evil elements that are in motion is the spirit of

SELF MURDER,

of which we hear so frequently that this is among the items of news that is looked for and expected by the readers of sensational literature. This morning I met an old acquaintance from Hooper, when he asked: "Have you heard any news from our city to-day?" I answered in the negative. "Well," said he, "Alex. Lowe has committed suicide." On further inquiry I learned that early this morning the wife of Lowe missed him. She went into the garden, when she was horrified at seeing his lifeless form

HANGING TO A TREE.

When found life was extinct.

No cause is assigned for the rash and fatal deed. His reason for taking his life is a profound mystery so far as my informant could tell me. The deceased is said to have been about 50 years of age. He leaves a wife and quite a number of children. He was a farmer and said to have been in moderately good circumstances. He has been unwell and his mind seemed to be somewhat affected; so I am informed.

Shortly after hearing this news, I met one of our citizens named Frank Weaver. For some time past he has been working on the Chicago & Northwestern Railroad. Recently he started for his home in Ogden. *En route* he was met by his wife and little boy about seven years of age, at Green River, Wyoming. While there on Tuesday the little fellow was on the street, when he picked up something which to him looked rather curious. He took it to his father and asked him what it was. The parent at once discovered that it was a

DYNAMITE CAP.

He took it from his son as quickly as he could, but he had done so but a short time before the cap exploded in his own hands, doing them serious injury. He loses the thumb and one finger of the left hand, and it is feared more of the digits will have to be amputated. The right hand was badly lacerated, but the owner of it is in good hopes of saving it.

Mr. Weaver arrived in Ogden last night, when the wounds were again dressed, and he is now as comfortable as compatible with circumstances.

A FATAL ACCIDENT

occurred last night, near 8 o'clock, to a little boy about two years and nine months old. He was the son of Richard Robbins who resides in Wilson lane, just west of Ogden City. The child, it appears, was playing on the banks of a large water sect that runs through the village, when he accidently fell in and was drowned. The body was carried down the stream for a considerable distance, and when found it was near a quarter of a mile from the house. Of course life was extinct. Naturally the parents are terribly distressed by this sad occurrence.

A strict watch had been usually kept on the movements of the child, especially by the mother, and was yesterday, and he had disappeared but a few moments before the accident, until he was missed. I talked with the afflicted father this afternoon; he said he believed the boy had gone a short distance from the house on to a bridge that crosses the stream; and that there, while playing with his dog—a good sized animal—the latter, in some of his playfulness, had jumped against the little fellow, and pushed him over into the water. WEBER.

## THE NEFF EXAMINATION.

THE DEFENDANT HELD TO ANSWER, THOUGH HE HAS LIVED WITH BUT ONE WIFE.

The preliminary hearing in the case of The United States vs. Amos H. Neff, accused of cohabiting with his wives, Catharine and Eliza Neff, was held before Commissioner McKay today, C. S. Varian appearing for the prosecution and F. S. Richards for the defense. Mr. Neff listened to the reading of the complaint and entered a plea of not guilty.

Cyrus Neff was the first witness, and testified that he was the defendant's son; his mother was dead; he had not lived at defendant's during the past nine years; Martha and Hattie Neff were his sisters; Mrs. Catherine Neff lived at East Mill Creek, not in the same house with defendant; she had five children, the youngest nine or ten years old; the defendant lived with Mrs. Eliza Neff; she has four children, the youngest about a year old. Eliza was reputed to be the defendant's wife; Catherine was his wife at one time, and had not been divorced; witness had visited Eliza's house about once a week, and Catherine's not quite so often; defendant had been at the latter's house occasionally.

Cross-examined by Mr. Richards—Catherine has not been considered the defendant's wife for four or five years.

Miss Hattie Neff testified that she was Catherine Thomas Neff's daughter; her mother was known as Catharine Thomas; Mrs. Eliza Neff was reputed to be the defendant's wife; witness visited Eliza occasionally; the defendant visited Catharine occasionally, when he was invited; he had no sleeping room in the house, and had not stayed there for four or five years; he had visited there during the past year; did not come except when sent for; sometimes took meals there; witness had heard of an agreement between defendant and her mother to live apart; this was three or four years ago; they had not lived together since; after the agreement there was a change; before, he came regularly, and after only when he was sent for; the separation took place four or five years ago: he did not pass the night there; Catharine's youngest child is nine years old; witness' mother was not able to leave the house now; she had been ill for four or five weeks; Dr. Smith attended her; she was afflicted with rheumatism.

Cross-examined—Before the separation, the defendant made Catharine's house his home part of the time, but since then had not; he had only visited her.

Re-direct—Mrs. Martha Neff was the first wife, and died a number of years ago; the family are known by the surname of Neff; Thomas was Catharine's maiden name; she sometimes visits Eliza's house, and may have eaten a meal there; the children all associate together and go to the same school.

Re-cross-examined—Have not heard Catharine called by the name of Neff since the separation.

Mrs. Eliza Neff was called and testified that she was the defendant's wife; knew Catharine Neff; witness was married in 1875; defendant's wife Martha was dead then; did not know when Catharine was married, witness and Catherine were on friendly terms; the latter had not been recognized as defendant's wife since 1882; an agreement had been made to separate; before then the defendant lived with both, but since only with witness; he went when Catherine sent for him; he took his meals with witness and stayed there at nights; Catherine sometimes took meals with Eliza; she had been called by both the names of Thomas and Neff; witness did not know when Mrs. Martha Neff died.

Cyrus Neff was recalled—His mother died about 24 years ago; he had but a faint recollection of the occurrence, as he was very small; did not know whether Catharine was married then or not.

Cross-examined — Witness might have been six or seven years of age when his mother died.

Miss Hattie Neff recalled—Catharine was married to defendant about 22 years ago.

Miss Martha Neff was called—She was the defendant's daughter; her mother, Martha, died about 24 years ago; witness had known Catherine Neff as long as she could remember; the first she knew of her was as her father's wife; did not know whether she was married before or after the death of Mrs. Martha Neff; witness lived in Salt Lake most of the time, with her sister; often visited her home at Mill Creek; had seen defendant at Catherine's, but not on all her visits; her stepmother, Catherine, was sometimes known by her maiden name; she managed the affairs of her own house; witness had sent for her father to come to Catherine's within a week past; she had never written to her stepmother.

Cross-examined—Witness lived at Catherine's four years ago; there had been a separation from defendant about that time.

Re-direct—Catherine had been an invalid for a month or so; understood that defendant did not now acknowledge her as his wife, never heard him say she was not his wife; witness was 21 years of age; did not remember her mother's death.

Cross-examined—My mother was regarded as the first wife.

This closed the examination, and Mr. Richards asked that, as there was a total absence of cohabitation, the defendant be discharged.

The Commissioner suggested that the law would raise a presumption that Catherine was the first wife and consequently of cohabitation with her.

Mr. Richards thought it would not. The prosecution had not shown that the defendant had a legal wife and lived with another wife.

Mr. Varian contended that the evidence indicated that Catherine was the legal wife, as the defense had not controverted it. The defendant had visited Catharine, and that was presumptive evidence sufficient to hold the defendant to answer to the grand jury.

The Commissioner held that there was probable cause that the defendant was guilty, and fixed the bonds at $1,500, which were given.

The witnesses were also required to give bail for their appearance in the sum of $200 each. They will appear before the grand jury August 6th.

## NEWS FROM THE JUNCTION CITY.

OGDEN, June 30th, 1886.

FIRST DISTRICT COURT.

Pursuant to adjournment, the court met this morning at 10 o'clock. The attendance was rather slim at the commencement. At 20 minutes past ten, the

GRAND JURY

filed into court and answered to their names—three of the number being absent. George Thompson asked to be excused from further duties as a grand juror, in consequence of his poor circumstances. The Court replied that it could not release him—as it had no authority to do so.

The case of the United States vs.

WILLIAM H. PIDCOCK

was then called. In response to the command of the judge, Mr. Pidcock stood up and was asked if he had anything to say why sentence should not be passed upon him. The defendant, through his counsel, Hon. P. H. Emerson, stated that he declined to make any promise for the future in relation to obeying or disobeying the Edmunds law. Counsel referred to the fact that Mr. Pidcock had given the government no trouble, that he had voluntarily furnished all the evidence himself that was necessary for his conviction. He was sincere in the practice of what he believes to be

THE TRUE GOSPEL.

He held no official position in the community. Had formerly been in business in this city but unfortunately had failed. He was now aged, in very feeble health and would leave his family in a very bad condition and unprovided for.

The Court then sentenced the defendant to be confined in the Utah penitentiary on the first count for three months, on the second four months, and on the third six months; a total of 13 months. No fine was imposed. Mr. Pidcock was then delivered to the custody of the Marshal, and was taken to the penitentiary.

The next case was that of

LORIN FARR,

who was arraigned on five indictments, on each of which he was charged with violating the Edmunds law in relation to cohabitation. J. N. Kimball, Esq., appeared on behalf of the defendant, and moved to quash the indictments on the ground that the first or legal wife was not a competent witness against her husband without the consent of the latter or of both parties. He argued the matter at considerable length, quoting authorities in support of his position. At the close of his argument the prosecution arose to reply, when the court interrupted him, and said it was satisfied that the position taken by the counsel for the defense was the correct one, and that, especially since the examination of this subject in the Barnard White case, the first, or legal wife

CANNOT BE COMPELLED

to appear and testify against her husband in a criminal case unless he, or both, were agreed in the matter.

The prosecution argued that it had not been shown by the defense that it was on the testimony of the first wife that the indictment was found, which, he argued, must be done before the point desired by the defense could be made.

Mr. Kimball replied that it was sufficient that the name of the witness was found on the list when the indictment was found, which was the case in this instance. The witness was summoned without the consent or knowledge of her husband.

The matter was then taken under advisement until 2 p.m.

J. W. Browning, Jr., familiarly known as

"CHUB" BROWNING,

was examined as to his qualifications as a grand juror. He was not a member of the Church of Jesus Christ of Latter-day Saints. He was born in the Church, and was baptized when he was eight years old but had never been a "bright or shining light." He did not believe in the tenets of the Church; believed it was unlawful for a man to live with more than one woman in the marriage relation, and would enforce the law against polygamy and unlawful cohabitation. He was accepted.

HENRY TAVEY

was next catechized. He did not believe in polygamy or that a man had a right to have more than one living and undivorced wife at the same time. He said he never was convicted of a felony, and would prosecute and punish those who violated the Edmunds law. He was accepted and seemed satisfied with his lot. J. E. Spaulding also gave satisfactory answers to the prosecuting querist, and was accepted as a grand juror.

At 2 p. m. the case of Lorin Farr was again called.

After a few remarks from counsel on both sides, the hearing was continued till the next session of court, which will be some time next week.

Several civil cases of minor importance were disposed of, but they are of no special interest to your readers.

At 25 minutes past 2 p.m. the grand jury filed into court, handed in several indictments and then filed out again like a

SOLEMN FUNERAL CORTEGE.

What the indictments were, or what the number, are among those things that a fellow cannot find out until the future develops them.

At 3:20 p.m. a U. S. deputy marshal walked into the book store of A. H. Cannon and served a warrant on Brother F. A. Brown and took him to the court room, where he was arraigned on a charge of

UNLAWFUL COHABITATION.

Four indictments were found against him. These were read and the Court